

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1270 be amended to read as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3       "SECTION 1. IC 35-42-2-2 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) As used in this  
5 section, "hazing" means forcing or requiring another person:  
6       (1) with or without the consent of the other person; and  
7       (2) as a condition of association with a group or organization;  
8 to perform an act that creates a substantial risk of bodily injury.  
9       **(b) As used in this section, "official traffic control device" has**  
10 **the meaning set forth in IC 9-13-2-117.**  
11       ~~(b)~~ (c) A person who recklessly, knowingly, or intentionally  
12 performs:  
13       (1) an act that creates a substantial risk of bodily injury to another  
14 person; or  
15       (2) hazing;  
16 commits criminal recklessness. Except as provided in subsection ~~(c)~~;  
17 **(d), criminal recklessness is a Class B misdemeanor.**  
18       ~~(c)~~ **(d)** The offense of criminal recklessness as defined in subsection  
19 ~~(b)~~ **(c)** is:  
20       (1) a Class A misdemeanor if the conduct includes the use of a  
21 vehicle **but the individual committing the offense does not**  
22 **disobey an official traffic control device;**  
23       (2) a Class D felony:  
24       **(A)** if it is committed while armed with a deadly weapon; or  
25       **(B) if:**

- 1           **(i) the conduct constituting the offense includes the use of**
- 2           **a vehicle;**
- 3           **(ii) the individual committing the offense disobeys an**
- 4           **official traffic control device; and**
- 5           **(iii) the offense results in bodily injury; or**
- 6       (3) a Class C felony:
- 7           **(A) if it is committed by shooting a firearm from a vehicle into**
- 8           **an inhabited dwelling or other building or place where people**
- 9           **are likely to gather; or**
- 10          **(B) if:**
- 11           **(i) the conduct constituting the offense includes the use of**
- 12           **a vehicle;**
- 13           **(ii) the individual committing the offense disobeys an**
- 14           **official traffic control device; and**
- 15           **(iii) the offense results in death.**
- 16       ~~(d)~~ **(e)** A person who recklessly, knowingly, or intentionally:
- 17           (1) inflicts serious bodily injury on another person; or
- 18           (2) performs hazing that results in serious bodily injury to a
- 19           person;
- 20       commits criminal recklessness, a Class D felony. However, the offense
- 21       is a Class C felony if committed by means of a deadly weapon.
- 22       ~~(e)~~ **(f)** A person, other than a person who has committed an offense
- 23       under this section or a delinquent act that would be an offense under
- 24       this section if the violator was an adult, who:
- 25           (1) makes a report of hazing in good faith;
- 26           (2) participates in good faith in a judicial proceeding resulting
- 27           from a report of hazing;
- 28           (3) employs a reporting or participating person described in
- 29           subdivision (1) or (2); or
- 30           (4) supervises a reporting or participating person described in
- 31           subdivision (1) or (2);
- 32       is not liable for civil damages or criminal penalties that might otherwise
- 33       be imposed because of the report or participation.
- 34       ~~(f)~~ **(g)** A person described in subsection ~~(e)(1)~~ **(f)(1)** or ~~(e)(2)~~ **(f)(2)**
- 35       is presumed to act in good faith.
- 36       ~~(g)~~ **(h)** A person described in subsection ~~(e)(1)~~ **(f)(1)** or ~~(e)(2)~~ **(f)(2)**
- 37       may not be treated as acting in bad faith solely because the person did
- 38       not have probable cause to believe that a person committed:

- 1 (1) an offense under this section; or
- 2 (2) a delinquent act that would be an offense under this section if
- 3 the offender was an adult."
- 4 Renumber all SECTIONS consecutively.  
(Reference is to HB 1270 as printed February 9, 2005.)

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Representative Orentlicher